

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

STEVEN E. JOHNSON,	:	CIVIL ACTION NO. 11-4392 (MLC)
	:	
Plaintiff,	:	O P I N I O N
	:	
v.	:	
	:	
CANON U.S.A., INC., et al.,	:	
	:	
Defendants.	:	
_____	:	

THE PLAINTIFF bringing this action to recover damages for employment discrimination in violation of, inter alia, the Federal Americans with Disabilities Act ("ADA") (dkt. entry no. 1, Rmv. Not., Ex. A, Compl.); and the plaintiff being represented by counsel; and the Court ordering, inter alia, the plaintiff to show cause why the Court should not dismiss the entire Complaint (dkt. entry no. 10, Order To Show Cause); and

THE COURT noting that a plaintiff pursuing ADA claims must (1) exhaust administrative remedies ("ADA Remedies") before commencing an action in court, and (2) receive a notice of the right to sue ("Right To Sue Notice") from the Equal Employment Opportunity Commission ("EEOC") or an appropriate agency (id.); and the Court further noting that the plaintiff here failed to allege if he filed charges with the EEOC or an appropriate agency, exhausted administrative remedies, and received a Right To Sue Notice (id.); and the Court stating that if "the plaintiff either is in the midst of pursuing the ADA Remedies or intends to

now pursue the ADA Remedies in order to preserve the ADA claims, then the Court will dismiss the entire Complaint without prejudice, with leave to the plaintiff to bring a new action reasserting all of the claims when he receives the Right To Sue Notice" (id.); and the Court directing the plaintiff to "file a response with the Court electronically by 5 P.M. on November 28, 2011" (id.); and the Court stating that "if the plaintiff fails to respond to th[e] Order To Show Cause, then the plaintiff will be deemed to support dismissal of the entire Complaint" (id.); and

THE COURT having refrained from addressing the Order To Show Cause for two days beyond the deadline; and the plaintiff failing to respond to the Order To Show Cause; and the Court thus intending to (1) grant the Order To Show Cause insofar as it concerns dismissal of the entire Complaint, and (2) dismiss the Complaint; and for good cause appearing, the Court will issue an appropriate order and judgment.¹

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: November 30, 2011

¹ While the Order To Show Cause was pending, certain defendants moved to dismiss the Complaint insofar as it is asserted against them. (See dkt. entry no. 11.) As the Complaint will be dismissed for the reasons addressed herein, the motion will be denied without prejudice.